

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

In Re:

CARMELO FLORES SANTOS

Debtor(s)

Case No.: **04-02552 GAC**

Chapter 13

TRUSTEE'S MOTION TO DISMISS

TO THE HONORABLE COURT:

NOW COMES José R. Carrión, Chapter 13 Trustee, through the undersigned attorney, and very respectfully alleges and prays:

1. There is CAUSE for this case dismissal as the Debtor(s) is (are) in **material default** with respect to the terms of the confirmed plan (or proposed plan). As of **July 07, 2004** the default is equal to **\$860.00**, or 2 month(s). 11 U.S.C. §1307(c)(6)

2. Current **plan Base is insufficient** to allow compliance with the plan disbursement schedule. 11 USC §1325(a)(6)

3. There is CAUSE for this case dismissal as the above described default and/or situation constitutes an **unreasonable delay** prejudicial to creditors. 11 U.S.C. 1307(c)(1)

WHEREFORE the Trustee respectfully prays that this motion be granted and that an order dismissing this case be entered for **cause** pursuant to 11 U.S.C. §1307(c) for the reasons herein set forth.

30 DAYS NOTICE: In accordance with local **General Order No. 97-01**, the Debtor(s), all Creditors and Parties in Interest in this case, are hereby notified that unless an opposition to this motion to dismiss is submitted in writing within **30** days from the date appearing in the certificate of service, infra, the Court may grant this motion, or convert the case to a Chapter 7, without a hearing.

CERTIFICATE OF SERVICE: Pursuant to Bankruptcy Rule 2002(f) The Chapter 13 Trustee herewith certified that a copy of this motion has been served by regular US Mail on this **same date to:** the DEBTOR(s) and her/his/their attorney, to all Creditors and to all Parties in Interest, to their respective address of record as they appear in the attached Master Address List.

In San Juan, Puerto Rico this 7 day of July, 2004.

JOSE R. CARRION

CHAPTER 13 TRUSTEE

P.O. Box 9023884, Old San Juan Station,

San Juan, P.R. 00902-3884

Tel (787) 977-3535

FAX (787) 977-3550

By: 

(9)

Department of Defense Manpower Data Center

JUL-07-2004 04:51:14



Military Status Report
Pursuant to the Soldiers' and Sailors' Civil Relief Act of 1940

<Last Name	First	Middle	Begin Date	Active Duty Status	Service/Agency
FLORES	CARMELO				
Currently not on Active Military Duty, based on the Social Security Number and last name provided.					

Upon searching the information data banks of the Department of Defense Manpower Data Center, the above is the current status of the Defendant(s), per the Information provided, as to all branches of the Military.

A handwritten signature in black ink, reading "Kenneth C. Scheflen".

Kenneth C. Scheflen, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

If you have information that makes you feel that the DMDC response is not correct, please send an e-mail to sscra.helpdesk@osd.pentagon.mil. For personal privacy reasons, SSNs are not available on this printed results page. Requesters submitting a SSN only receive verification that the SSN they submitted is a match or non-match.

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In Re:

CARMELO FLORES SANTOS

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Chapter 13

Debtor(s)

AFFIDAVIT FOR DEFAULT JUDGEMENT
PURSUANT TO SECTION 201(b)(4)
OF THE SERVICEMEMBERS CIVIL RELIEF ACT OF 2003

I, Marayda Rivera Cantres, clerk for the Chapter 13 & 12 Trustee's Office,
declare under penalty of perjury, the following:

That according to the enclosed certification, provided by the Department of
Defense Manpower Data Center (DMDC), the Debtor(s) is (are) not in active duty or
under call to active duty as a member(s) of the Army, Navy or Air Forces of the United
States of America; the National Guard; the Public Health Service or the National Oceanic
and Atmospheric Administration.

To certify the above statement I sign this affidavit,

In San Juan, Puerto Rico, July 07, 2004 .



The undersigned hereby certifies that a true copy of the foregoing document was mailed, by first class mail to the parties listed below:

JOSE R. CARRION		CELESTINO MATTA	
PO BOX 9023884		US POST OFFICE & COURTHOUSE	
OLD SAN JUAN STATION		300 RECINTO SUR ST., SUITE 109	
SAN JUAN, PR	00902	OLD SAN JUAN, PR	00901

ROBERTO FIGUEROA CARRASQUILL*		DEPARTMENT OF TREASURY	
PO BOX 193677		PO BOX 9024140	
SAN JUAN PR	00919	SAN JUAN PR	00902

DEPARTMENT OF TREASURY		UNEMPLOYMENT INSURANCE	
PO BOX 9024140		PUERTO RICO DEPT OF LABOR	
		12 FLOOR 505 MUNOZ RIVERA AVE	
SAN JUAN PR	00902	SAN JUAN PR	00918

DAIMLER CHRYSLER SERV		UNIVERSAL INSURANCE COMPANY	
PO BOX 191635			
SAN JUAN PR	00919	PO BOX 9023862	
		SAN JUAN PR	00902

SLAND FINANCE		PUERTO RICO TELEPHONE COMPANY	
PO BOX 195369		PO BOX 360998	
SAN JUAN PR	00919	SAN JUAN, PR	00936

ERIZON WIRELESS		CRYSLER CREDIT PUERTO RICO	
PO SANDRA E TORRES ESQ		PO BOX 191635	
PO BOX 360998		SAN JUAN PR	
SAN JUAN PR	00936		00919

ARMELO FLORES SANTOS			
MB 493 BOX 4952			
AGUAS PR	00726		

TED: July 7, 2004

MARAYDA RIVERA
OFFICE OF THE CHAPTER 13 TRUSTEE